

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ABDUR FUSEINI,

Plaintiff,
vs.

9:02-CV-1127

**DANIEL A. SENKOWSKI, Superintendent,
Clinton Correctional Facility; T. KURTZ;
W. PERKINS; JEFFREY REISDORF;
R. GLASCOCK; DOCTOR TIM QUAIN,**

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

This civil action was referred by this Court to the Hon. Gustave J. DiBianco, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation dated March 21, 2005 have been filed. Furthermore, after examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

It is therefore,

ORDERED that Defendants' motion to dismiss (dkt. # 36) is

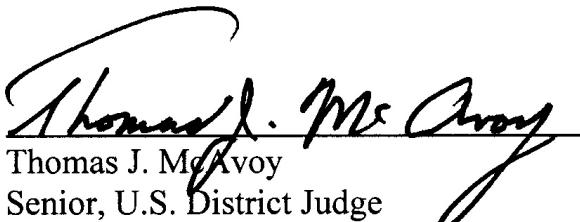
GRANTED, and the Complaint is **DISMISSED WITHOUT PREJUDICE** as to the excessive force claim as against Defendants **PERKINS, REISDORF, and GLASCOCK**; and it is further

ORDERED that Defendants' motion for summary judgment (dkt # 36) is **GRANTED**, and the Complaint is **DISMISSED WITH PREJUDICE** as to all other defendants for all other claims.

The Clerk of the Court is directed to close the file in this case.

IT IS SO ORDERED.

DATED: September 28, 2005


Thomas J. McAvoy
Senior, U.S. District Judge